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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/922,028

08/03/2001

Dominic Dough-Ming Cheung

9623-329

9269

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7590

02/28/2007

BRINKS HOFER GILSON & LIONE / YAHOO! OVERTURE

P.O. BOX 10395

CHICAGO, IL 60610

EXAMINER

COLBERT, ELLA

ART UNIT

PAPER NUMBER

3694

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/922,028

Applicant(s)

CHEUNG ET AL.

Examiner

Ella Colbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 72-86 is/are pending in the application.
- 4a) Of the above claim(s) 80-86 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 72-86 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

Continuation of Attachment(s) 3. Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date
:11/9/06,2/10/05,5/20/04, 8/04/03,5/28/03, 8/19/02,10/4/01 .

DETAILED ACTION

1. Claims 72-86 are pending. Group 1, claims 72-79 have been elected without traverse and claims 80-86 have been cancelled in the response to the Election/Restriction Requirement filed 11/24/06.
2. The IDS's filed 11/09/06, 2/10/06, 5/20/04, 8/04/03, 5/28/03, 8/12/02, and 10/04/01 has been considered and entered.

Specification

3. The Specification is objected to because Page 1, lines 6 and 7 recite XX/XXX,XXX, filed July 24, 2001 ... Darren J. Davis et al, attorney docket number 9 623/334, ...". These lines should recite "09/911,674, filed July 24, 2001, Darren J. Davis et al., now U.S. Patent No. 7092901, which application is incorporated herein". See MPEP § 608.01(b).

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Fig. 1, element "Web pages 18" and Fig. 31, element "workspace 3100". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are

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not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Fig. 1, element "36"; Fig. 2, element "160"; Fig. 4, element 295"; Fig. 5, element "342"; Fig. 7 elements "760a –760H"; Fig. 10, element "1008"; Fig. 16, elements "1608" and "1610"; Fig. 18, element "1808"; Fig. 23, "block 2312"; Fig. 25, "block 2512"; Fig. 29, "block 2910"; Fig. 36, "block 3610; and Fig. 39, "block 3908". Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claims 72, 74, 75, 77, 78, and 79 are objected to because of the following informalities: Claim 72 recites, "a desired rank ... for a the search listing and a". This

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line would be better recited as "a desired rank .. for a search listing and a ...". Claim 74 recites "Where in the search engine is configured to receive a search request;and ...". These claim limitations would be better recited as "Where in the search engine is configured to: receive a search request:;and ...". Claims 77 and 78 have a similar problem with punctuation.

Claim 75 recites "maximum cost per click ... respective bid/desired". This line would be better recited as "maximum cost per click ... respective bid and desired and respective bid or desired". Claim 78 also recites "wherein current cost per click ...". This line would be better recited as recites "wherein the current cost per click ...". Claim 79 recites "wherein the one or more software agents is configured ...". This line would be better recited as " wherein the one or more software agents are configured". Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 72 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 72, lines 5 and 6 recite "listings ... associated with advertisers, an advertiser-associated search listing including." This claim limitation is not clear as written and indefinite and ambiguous. Lines 12-23 recite "the search engine being

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operative, when the ..., to adjust to the CPC ..., to move the search listing ..., to maintain the CPC ..., to set the CPC ..., and to avoid setting ...". These lines are also unclear as written and indefinite and ambiguous. Correction is required.

Claims 73-79 are also rejected because of their dependency from a rejected base claim.

Inquiries

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Tuesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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February 5, 2007


ELLA COLBERT
PRIMARY EXAMINER